

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6995**

**BILL NUMBER:** SB 366

**DATE PREPARED:** Feb 21, 2002

**BILL AMENDED:** Feb 21, 2002

**SUBJECT:** Animal Fighting Contests.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- (A) It makes possession of animal fighting paraphernalia with intent to participate in an animal fighting contest a Class B misdemeanor.
- (B) It makes it a Class D felony for a person to possess animal fighting paraphernalia with intent to participate in an animal fighting contest and harbor an animal bearing scars or wounds consistent with participation in an animal fighting contest.
- (C) It provides that intentionally removing a dog's vocal cords constitutes animal cruelty, a Class A misdemeanor.
- (D) It allows a court to order a person to refrain from owning, harboring, or training an animal as a condition of probation.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:** (Revised) No data are available to indicate how many offenders may be convicted of the new crimes defined under the bill.

*Provision B:* A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class

B misdemeanor is \$1,000; the maximum fine for a Class A misdemeanor is \$5,000; and the maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** (Revised) Costs for county jails may increase because a Class A misdemeanor is punishable by up to one year in jail while a Class B misdemeanor is punishable by up to 180 days in jail. Defendants could also be detained in county jails prior to their felony court hearings. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Provision D would include prohibiting an offender from owning, harboring, or training an animal as one of the probation conditions a court may impose. If offenders violate conditions of probation, the court may revoke probation and the offender may be sentenced to a term in prison or jail depending on the underlying offense.

**Explanation of Local Revenues:** (Revised) Defendants would be required to post bond to a court for an amount sufficient to provide for an impounded animal's care. If the bond is not posted or expires and is not renewed, the animal shelter may determine the disposition of the animal, subject to court order. This would have the county to recover a portion of the costs of caring for any animals that local law enforcement officers seize during the process of making arrests. Once convicted, an offender would be responsible for the animal care costs, under the bill.

If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.